

REMARKS

Claims 1-30 are pending in the present application.

Claims 1-30 were rejected.

Claims 1-30 remain in the application.

Reconsideration of Claims 1-30 in view of the following arguments is respectfully requested.

In Section 1 of the September 22, 2004 Office Action, the Examiner rejected Claims 1-3, 6-8 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Serial No. 10/279,866 (Pub. No. US2003/0069014) to *Raffel et al.* (hereafter, “*Raffel*”) in view of United States Patent No. 5,627,830 to *Kotzin* (hereafter, “*Kotzin*”) and further in view of United States Patent No. 5,802,458 to *Van Zeijl et al.* (hereafter, “*Van Zeijl*”). In Section 2 of the September 22, 2004 Office Action, the Examiner rejected Claims 4, 5, 9, 10, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin* and *Van Zeijl* references and further in view of United States Patent Application Serial No. 10/034,234 (Pub. No. US2003/0123479) to *Lee et al.* (hereafter, “*Lee*”). In the September 22, 2004 Office Action, the Examiner also rejected Claims 11 and 26 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin* reference. In the September 22, 2004 Office Action, the Examiner rejected Claims 12, 13, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin* and *Van Zeijl* references. In the September 22, 2004 Office Action, the Examiner rejected Claims 14, 15, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin*, *Van Zeijl* and *Lee* references. In the

September 22, 2004 Office Action, the Examiner rejected Claims 21-23 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin* reference and further in view of United States Patent No. 5,282,239 to *Yokoi* (hereafter, “*Yokoi*”). In the September 22, 2004 Office Action, the Examiner rejected Claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel* reference in view of the *Kotzin*, *Yokoi* and *Lee* references.

The Applicants respectfully disagree with the Examiner’s rejections of Claims 1-30 and direct the Examiner’s attention to Claim 1, which contains the unique and non-obvious limitations emphasized below:

1. For use in a wireless communications system, an apparatus for supporting dual standards comprising:
a sectored antenna system for a coverage area; and
an omni antenna system for the coverage area, wherein the sectored antenna system is employed for wireless communications utilizing a first standard within the coverage area and the omni antenna system is employed for wireless communications utilizing a second standard within the coverage area.

The Applicants note that the above-reference limitations are not disclosed, suggested or even hinted at in any one of the *Raffel*, *Kotzin*, *Van Zeijl*, *Yokoi* and *Lee* references, or in any combination of two or more of the *Raffel*, *Kotzin*, *Van Zeijl*, *Yokoi* and *Lee* references.

The Applicants respectfully assert that the Examiner has misdescribed the device disclosed in the *Raffel* reference, which forms the basis for all of the rejections in the September 22, 2004 Office Action. In Section 1 of the Office Action, the Examiner stated that “*Raffel et al.* teaches for use a wireless communications system, an apparatus for supporting dual standards comprising: handing off from a first wireless communication system utilizing a first standard within a coverage area to a

second wireless communication system using a second standard within the coverage area.”

(Paragraph 0005, lines 10-14, of *Raffel*). This statement is incorrect.

Paragraph 005 of the *Raffel* reference states in its entirety:

[0005] The preferred embodiment of the present invention comprises a cordless cellular base system. A cordless cellular base station is capable of communicating with a cellular network compatible mobile unit, also referred to as a mobile station herein. The cordless cellular base station, also referred to as a subregional basestation, is preferably connected to a landline on a public switched telephone network and is assigned a landline number or phone number. The mobile station is registered with a cellular network and is assigned a mobile identification number. Advantageously, the mobile station is capable of communication with both a conventional regional cellular base station and to the cordless cellular base station utilizing the same cellular frequency range and communications protocol. When the mobile station is communicating with the cellular network, it is referred to as being in the regional cellular service mode. When the mobile station is communicating with the cordless cellular base station, it is referred to as being in cordless cellular telephone landline service mode. (emphasis added)

As the text above makes clear, the mobile station and both stations in the *Raffel* reference are using the same frequency range and communications protocols.

The *Raffel* reference describes a mobile station 12 that communicates with a cordless cellular base station 10 that covers a small area 17 and a separate regional cellular base station 18 that covers a wide area. The cordless cellular base station 10 is connected directly to the landline public switched telephone network (PSTN) 15. The cordless cellular base station 10 essentially acts as a very small base station of the cellular network 16. When the mobile station 12 moves into the area 17 near the cordless cellular base station 10, the mobile station 12 is handed off from the regional cellular base station 18 to the cordless cellular base station 10. Thereafter, the mobile station 12

communicates via landlines. Thus, the *Raffel* reference describes two distinct apparatuses (i.e., cordless cellular base station 10 and regional cellular base station 18) that communicate with the mobile station 12 using a single protocol.

By contrast, the invention recited in Claim 1 is directed to a single apparatus that uses two antenna systems (i.e., a sectored antenna system and an omni antenna system) to communicate using two standards or protocols (i.e., first standard for sectored antenna system and second standard for omni antenna system). Thus, the *Raffel* reference was inappropriately applied to Claim 1. Moreover, the fundamental flaws of the *Raffel* reference are not overcome by the *Kotzin*, *Van Zeijl*, *Yokoi* and *Lee* references, either individually or in any combination of two or more of these references.

This being the case, Claim 1 recites unique and non-obvious limitations that are patentable over the *Raffel*, *Kotzin*, *Van Zeijl*, *Yokoi* and *Lee* references. Furthermore, dependent Claims 2-5, which depend from Claim 1, contain all of the unique and non-obvious limitations that are recited in Claim 1. This being the case, dependent Claims 2-5 are patentable over the *Raffel*, *Kotzin*, *Van Zeijl*, *Yokoi* and *Lee* references.

The Applicants note that independent Claim 6, 11, 16, 21 and 26 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, independent Claims 6, 11, 16, 21 and 26 are patentable over the cited prior art references. Finally, dependent Claims 7-10, dependent Claims 12-15, dependent Claims 17-20, dependent Claims 22-25 and dependent Claims 27-30, which depend from independent Claims 6, 11, 16, 21 and 26, respectively, contain all of the unique and non-obvious limitations that are recited in independent

Claims 6, 11, 16, 21 and 26. This being the case, dependent Claims 7-10, 12-15, 17-20, 22-25 and 27-30 are also patentable over the *Raffel, Kotzin, Van Zeijl, Yokoi* and *Lee* references.

The Applicants also disagree with the Examiner's rejections of Claims 2-30 based on additional misdescriptions of, and misapplications of, the *Raffel, Kotzin, Van Zeijl, Yokoi* and *Lee* references to Claims 2-30. However, Applicants' arguments regarding those other shortcomings of the *Raffel, Kotzin, Van Zeijl, Yokoi* and *Lee* references are moot in view of the Claim 1 arguments above. However, Applicants reserve the right to dispute in future Office Action responses the appropriateness and application of the *Raffel, Kotzin, Van Zeijl, Yokoi* and *Lee* references to the claims of the present application, including the right to dispute assertions made by the Examiner in the September 22, 2004 Office Action.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.

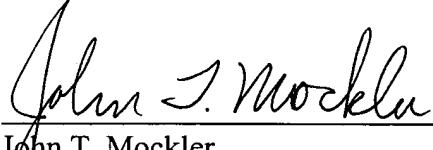
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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